



Arizona Address Confidentiality Program

Office of the Secretary of State – Ken Bennett



Frequently Asked Questions Limited Jurisdiction and Superior Courts

What is the Address Confidentiality Program (ACP)?

ARS §41-162

The ACP is a program that offers survivors of domestic violence, sexual offenses, and stalking another way to keep themselves and their family safe by assisting them in protecting their confidential location from being disclosed through public records. The ACP is part of an overall safety plan. Our program provides a legal substitute address and mail forwarding services to certified participants.

Is the ACP a new program?

ARS §41-162

Yes. The ACP was signed into law April 19, 2011 and is administered by the Office of Secretary of State. Laws governing the program are located in the Arizona Revised Statutes Title 41, Article 3.

How is the ACP funded?

ARS §41-169 and ARS §12-116.05

The program is funded by a \$50 assessment levied on persons convicted of an offense included in ARS Title 13, Chapter 14 or 35.1 (sexual offenses), a domestic violence offense pursuant to ARS §13-3601 or stalking offense pursuant to ARS §13-2923. This assessment is in addition to any other fine, penalty or fee authorized by law. Of the monies collected, 95% are transferred to the ACP fund and the clerk of the court retains 5% of the monies for administrative costs.

How will I know if I am interacting with an ACP participant?

It is the ACP participant's responsibility to identify themselves as an ACP participant and present his/her ACP authorization card to any local or state government agency or official when requesting services. For verification of a person's enrollment status in the ACP, you may call the government agency ACP line (602) 542-1892.

What does the ACP Authorization Card look like?

As depicted in the sample card below, the ACP card shows the substitute address, his or her ACP apartment number, signature, and the ACP phone number. This card is not to be used for identification purposes. It is only to be used to show they have the authority to use the substitute address. The government agency may make a photocopy of the card for recordkeeping.

 	
State of Arizona Address Confidentiality Program	
Jane Smith 1901 W. Madison St. Apt. # 000 Phoenix, AZ 85009	Date of Issuance: 00/00/2012 Date of Expiration: 00/00/2016
<small>Pursuant to ARS 41-163, the above named person is authorized to use the following substitute address for all legal purposes. If you have any questions pertaining to this card and the program, please call the appropriate phone Government Agencies Only: (602) 542-1892 Participant and General Information: (602) 542-1653</small>	

<p>_____ Signature of Participant or Parent/Guardian</p> <p>If a program participant submits a current and valid address confidentiality program authorization card to the state or local government entity, the state or local government entity shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address when creating a new public record. The substitute address is considered the last known address of the participant. Government entities may make a photocopy of the card for their records, but shall immediately return the card to the participant. (ARS §41-166(B))</p>

What are the responsibilities of the courts when a participant presents an ACP authorization card?



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ARS §41-166(B)

The courts must accept the substitute address shown on the ACP authorization card when presented by the ACP participant for use as his/her residential, work, or school address. The substitute address is considered his/her legal address of record. The courts cannot force or require a participant to release their confidential address.

Will ACP notify the courts of an applicant involved in a pending court action or court order?

ARS §41-167

Yes. ACP will only notify the clerk of court if a participant in our program is currently involved in a court action or is under a court order in cases involving dissolution of marriage, child support or the allocation of parental responsibilities or parenting time at the time of applying to the ACP. ACP will also notify the same clerk of court if the participant has withdrawn or has been cancelled from the program.

What is my responsibility if the participant gives me their actual confidential address, and does not identify themselves or show me the ACP authorization card?

ARS § 41-166(A)

If the participant provides his/her confidential address and does not identify as an ACP participant, then you have no responsibility to maintain the confidentiality of their address.

Is the participant's substitute address confidential?

No. Only the ACP participant's actual residence address is confidential.

How will service of process, including personal service be handled in regards to an ACP participant?

ARS §41-162(C)

The ACP accepts legal mail on behalf of the ACP participant. When a person enters into the ACP he/she designates the ACP as his/her legal agent for receipt of mail and service of process. When ACP receives the service on behalf of the participant, it is the same as a participant receiving service. A participant's failure to comply with any legal document served could find the participant in contempt of court. Delay in mail cannot be used as an excuse to the court when failing to abide by the directions included in the legal document.

What if the court is in need of the ACP participant's confidential address?

ARS §41-165 and ARS §41-167

ACP cannot disclose the address or telephone number of an ACP participant other than the substitute address except if required by the direction of a court order or if a government agency requests the address through the request of disclosure processes. Even if an agency, including the court, receives the confidential address of a participant, the agency will need to limit who has access and use of the address. It is unlawful to knowingly and intentionally disclose a program participant's actual address when that person has specific knowledge that the actual address belongs to a participant of the ACP.

What if an ACP participant is trying to obtain an Order of Protection or Injunction Against Harassment?

What address is allowed on the order or injunction?

ARS §41-166(J), Arizona Rules of Protective Order of Procedure (2009)

The courts cannot require a participant to release his/her own confidential address. The substitute address is his/her legal address of record and are allowed to testify under oath as such. Participants in our program will be encouraged to use their substitute address whenever an address is asked by a government agency and request confidentiality provisions of no contact and no disclosure of their confidential address per the Arizona Rules of Protective Order Procedure.

Some hearings in the courts are emergency hearings and are scheduled in a matter of days. How will this affect the courts and the participants in your program?

When applying to be enrolled into the ACP, applicants are informed up front there is a mail delay when receiving their mail. They are also informed there are no legal exceptions for ACP participants in regards to mail delays and matters with court hearings. Participants are encouraged to maintain contact with the courts or their legal counsel



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if they are involved in any matters with the courts. ACP does not discourage court staff from marking on the outside of the envelope if the correspondence is related to a time-sensitive manner for ACP participants.